

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

KELVIN A. CANADA, <u>et al.</u>)	Civil Action No. 7:14-cv-00566
Plaintiff,)	
)	<u>OPINION</u>
v.)	
)	By: James P. Jones
HAROLD CLARK, <u>et al.</u>)	United States District Judge
Defendant(s).)	

Denis Rivera, proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983. By Order entered October 30, 2014, the court directed plaintiff to submit within 10 days from the date of the Order the signed consent to withholding of fees. On November 10, 2014 plaintiff filed a motion for extension of time to file the required form and the Court granted plaintiff 10 days to sign and return the form. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

More than 10 days have elapsed, and plaintiff has failed to comply with the described conditions. Accordingly, the court dismisses the action without prejudice and strikes the case from the active docket of the court. Plaintiff may refile the claims in a separate action once plaintiff is prepared to comply with the noted conditions.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying Order to plaintiff.

ENTER: This 4th day of December, 2014.

s/ James P. Jones

United States District Judge